

TENTH DAY.

(Friday, September 16, 1932.)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Minor.

The roll was called, and the following members were present:

Mr. Speaker.	Harrison
Adams of Harris.	of Waller.
Adams of Jasper.	Hefley.
Adamson.	Herzik.
Adkins.	Hill.
Akin.	Hines.
Albritton.	Holland.
Alsup.	Holloway.
Anderson.	Hoskins.
Baker.	Howsley.
Barron.	Hubbard.
Beck.	Hughes.
Bedford.	Jackson.
Bond.	Johnson
Bradley.	of Dallam.
Brice.	Johnson
Brooks.	of Dimmit.
Bryant.	Jones of Shelby.
Burns of Walker.	Jones of Atascosa.
Burns	Justiss.
of McCulloch.	Kayton.
Carpenter.	Keller.
Caven.	Kennedy.
Coltrin.	Laird.
Coombes.	Lasseter.
Cox of Lamar.	Lee.
Cox of Limestone.	Lemens.
Cunningham.	Leonard.
Dale.	Lilley.
Daniel.	Long.
Davis.	McCombs.
Dodd.	McGill.
Donnell.	McGregor.
Dowell.	Magee.
Dunlap.	Martin.
Duvall.	Mathis.
Elliott.	Mehl.
Engelhard.	Metcalfe.
Farmer.	Moffett.
Farrar.	Moore.
Ferguson.	Morse.
Finn.	Munson.
Fisher.	Murphy.
Forbes.	Nicholson.
Ford.	Olsen.
Fuchs.	O'Quinn.
Gilbert.	Patterson.
Giles.	Petsch.
Goodman.	Pope.
Graves.	Ramsey.
Greathouse.	Ratliff.
Grogan.	Ray.
Hanson.	Richardson.
Hardy.	Rogers.
Harman.	Rountree.
Harrison	Sanders.
of El Paso.	Satterwhite.

Savage.	Terrell
Scott.	of Val Verde.
Shelton.	Towery.
Sherrill.	Turner.
Smith of Bastrop.	Van Zandt.
Smith of Wood.	Vaughan.
Sparkman.	Wagstaff.
Stephens.	Walker.
Stevenson.	Warwick.
Steward.	Weinert.
Strong.	West of Coryell.
Sullivant.	West of Cameron.
Tarwater.	Westbrook.
Terrell	Young.
of Cherokee.	

Absent.

Dwyer. Wyatt.

Absent—Excused.

Bounds.	Lockhart.
Boyd.	McDougald.
Claunch.	Reader.
Holder.	Wiggs.

A quorum was announced present.

Prayer was offered by the Rev. Jno. W. Holt, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Claunch for yesterday and today, on motion of Mr. Grogan.

Mr. McDougald for today, on motion of Mr. Nicholson.

Mr. Reader for today and tomorrow, on motion of Mr. Terrell of Val Verde.

Mr. Lockhart for today, on motion of Mr. Olsen.

Mr. Holder for yesterday and today, on motion of Mr. Sanders.

The following members were granted leaves of absence on account of illness:

Mr. Wiggs for today, on motion of Mr. Turner.

Mr. Boyd for today on account of illness of his wife, on motion of Mr. Ratliff.

Mr. Bounds for today, on motion of Mr. Kennedy.

SENATE BILL ON FIRST READING.

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate bill No. 48, to the Committee on Criminal Jurisprudence.

COMMUNICATION EXPRESSING
APPRECIATION TO THE
LEGISLATURE.

On motion of Mr. Cox of Limestone the following communication was ordered printed in the Journal:

In 1834 there came a colony of pioneers from Illinois, and settled near the present site of Groesbeck, Texas. These people built a palisade or fort, later known as Fort Parker, for protection against the Indians.

In May, 1836, one month after the Battle of San Jacinto, there appeared before Fort Parker a band of Comanche Indians. These Indians pretended to be friends, but later assaulted the fort, murdered a number of the inhabitants, and carried others into captivity. Among the captives was a nine-year-old girl named Cynthia Ann Parker. For many years she was lost to her kindred and friends. In the year 1860, a young man later known to fame as Captain Sul Ross, returned to Texas from a military institute in Alabama about the time that the State was making plans to subdue the Comanche Indians, who were depredating in North Texas. Governor Houston invited Captain Ross to visit him at Austin, where the Governor laid before this young military man his plan for driving the Indians out of Texas. Quickly Ross gathered a band of Texas Rangers, and hastened to North Texas to drive out the Indians. Here in the brakes of North Texas, he attacked the Comanches and defeated them, almost destroying the whole band.

In a running fight between Ross and Peter Nacona, the Indian chief, the latter was slain by Ross, and his wife and baby taken captives. When Ross looked in the eyes of this woman captive, he observed that she had blue eyes, and instantly knew in his own mind that he had captured Cynthia Ann Parker, who was taken from old Fort Parker twenty odd years before. She was sent to her uncle in Parker county, and there identified beyond further question, as being the long lost Cynthia Ann Parker. She was never reconciled to the civilized life, but longed to return to her children and the wild life of the Indian tribe. Soon afterwards, she died and was buried near Palestine, Texas. Her son, Quanah Parker, became the chief of the Comanches and later negotiated a lasting treaty with the

whites. For him the city of Quanah is named.

During Governor Neff's administration, there was organized at Groesbeck, a society to commemorate the sacrifices and sufferings of these pioneers. A committee was appointed consisting of Mrs. J. Cul Sanders, Judge C. S. Bradley, and Mrs. W. F. Bates. This society raised \$1500, with which to build a monument, and asked the State of Texas for an appropriation of a like sum, which was granted. The Legislature made the appropriation, and the statue, and the monument have been finished. The statue consists of marble figure that crowns the monument. The statue represents the pioneer, Parker, as he was leaving the fort to treat with the Indians, and also his wife and daughter, as they tried to persuade him not to expose himself by going outside the fort. This statue is wrought of the finest marble, and executed in Italy by the best sculptors in that land of artists. The monument, including the statue, is a fine piece of work, and one of which the State of Texas can justly be proud. When the work was completed, there remained of the \$3000 that had been raised for the purpose of bearing the expense, \$136. This \$136 has been returned to the State.

The committee and the people of Groesbeck want the Legislature and the State of Texas to know that they appreciate the appropriations received from the State, they want the Legislature to observe that they did not spend all the State's money, and retain their money, but returned all monies that were left over to the State. The committee and the people of Groesbeck believe that they have set a good precedent that should control in the allowing of appropriations for like purposes.

COX,
POAGE.

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, September 16, 1932.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 48, Relating to the theft of oil in Texas, etc., and declaring an emergency.

Respectfully,
BOB BARKER,
Secretary of the Senate.

**BILLS SIGNED BY THE
SPEAKER.**

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills:

H. B. No. 51, "An Act amending Article 2688 of the Revised Civil Statutes of Texas, 1925, as amended by the Regular Session of the Forty-second Legislature, House bill No. 904, Chapter 212, page 426, Special Laws, and declaring an emergency."

H. B. No. 60, "An Act to repeal Chapter 120, page 232, of the Special Laws of the Regular Session of the Forty-second Legislature, being a special road law for Wood county, and declaring an emergency."

**RELATIVE TO THE OPERATION
OF TRUCKS ON STATE
HIGHWAYS.**

Mr. Cox of Lamar offered the following resolution:

Whereas, House bill No. 336 of the Regular Session of the Forty-second Legislature provides for the transportation of loads not to exceed 14,000 pounds under the conditions therein named; and

Whereas, Notwithstanding said right the Highway Patrol of this State have been arbitrarily arresting operators lawfully transporting loads under said exception; and

Whereas, To correct this injustice suits have been filed in the various district courts of Texas to restrain said officers from making said arrests under said conditions; and

Whereas, The respective district judges have issued injunctions against said patrol, but notwithstanding said injunctions an order has recently been issued by the Chief of the Highway Patrol, directing and commanding all patrolmen to arrest all said operators, in violation of said injunctions; and

Whereas, Said arbitrary action on the part of the Highway Patrol has resulted in great injustice and humiliation to truck owners and operators attempting to obey the laws, and has occasioned loss through holding up shipment of perishable products; now, therefore, be it

Resolved by this House of Representatives, That such arbitrary action on the part of the Highway Patrol is subject to censure and instructions

to violate orders of district courts should be withdrawn and such wanton abuse of authority be and is hereby condemned. Be it further

Resolved, That the House of Representatives considers the courts of this State to be superior to any administrative department of the State in determination of the rights of citizens under the laws of Texas, and that the Highway Patrol should obey the mandates of the district court.

The resolution was read second time.

Mr. Sanders moved to table the resolution.

Mr. Bond raised a point of order on further consideration of the resolution at this time, on the ground that the time for the consideration of resolutions has expired.

The Speaker sustained the point of order.

**RECALLING HOUSE BILL NO. 22
FROM GOVERNOR'S OFFICE.**

Mr. Metcalfe offered the following resolution:

H. C. R. No. 16, Recalling House bill No. 22 from the Governor for correction.

Whereas, House bill No. 22 has been passed by both houses and is now upon the Governor's desk; and

Whereas, It has been found that Kaufman county was inadvertently left in the bill; therefore be it

Resolved by the House of Representatives, the Senate concurring, That the Governor be requested to return said bill to the House for corrections; and be it further

Resolved by the House of Representatives, the Senate concurring, That the Enrolling Clerk of the House be instructed to remove Kaufman county from the provisions of said bill, and that the bill be re-enrolled.

METCALFE,
BOND.

The resolution was read second time and was adopted.

**PROVIDING FOR A COMMITTEE
TO INVESTIGATE THE EN-
FORCEMENT OF THE OIL
CONSERVATION LAWS
OF TEXAS.**

The Speaker laid before the House, for consideration at this time, House simple resolution offered by Mr.

Burns of Walker and Mr. Daniel, relative to the purchase of crude oil, the resolution having heretofore been read second time.

Mr. Long offered the following substitute for the resolution:

Whereas, The oil industry is one of the main industries of this State, and the oil industry, directly and indirectly, pays in over 50 per cent of the revenues raised by this State, and the conservation laws are one of the main subjects that this Legislature is interested in, so as to conserve our natural resources and to maintain our present State revenues; and

Whereas, It has been charged that the conservation laws are being inadequately enforced, and a great number of the land owners in the East Texas oil field met and sent a large delegation to Austin to confer with the Railroad Commission, the Attorney General and their grievances were heard by the State Affairs Committee of the Senate and this delegation charged that the conservation laws were being grossly violated in the East Texas field to the detriment of themselves and the State of Texas; and

Whereas, On September 15th, some of the operators in the Pecos county field have enjoined the enforcement of the conservation laws in Pecos county field, and the royalty interest of the permanent school fund in that field has been estimated to be valued at twenty millions of dollars, and the enforcement of the conservation laws in the Pecos county field is of primary importance to the whole State of Texas; and

Whereas, Several of the operators in the Gulf coast area are now contemplating enjoining the enforcement of the conservation laws in that area, and several suits are now pending in various courts, questioning the validity of our conservation laws; and

Whereas, The enforcement of the conservation laws in the various fields of Texas is about to be broken down, which, if done, will be detrimental to the State, since the biggest part of the State's revenue is derived from the oil industry and since the University Permanent Fund and the Permanent School Fund are the largest royalty owners in the State; and

Whereas, Chapter 28, Acts of the First Called Session of the Forty-second Legislature, has been declared

void by the Federal courts, which bill contained the following subjects:

1. An amendment to the Common Purchasers Act for oil.

2. An amendment to the Pipe Line Laws of this State, affecting the rates of pipe line carriers for hire.

3. Provided for the ratable taking of natural gas by common carrier pipe lines; and

Whereas, The independent operators, producing natural gas in Texas, mainly in the Panhandle, are without pipe line connections and their lands are being drained to the detriment of the operators and land owners in that section of the State, and the pipe line companies in this State, carrying oil for hire are continuing to charge excessive rates, owing to the invalidity of Chapter 28, before mentioned, and the Common Purchasers Act is now being contested in the courts and since the recent amendment to this act has been declared invalid and the effect of the law has been greatly crippled, which practically gives no protection to the independent oil operators of this State; and

Whereas, All these things enumerated are of primary importance to the people of Texas and to the Legislature of Texas; therefore, be it

Resolved by the House of Representatives of the State of Texas, That a committee of three members of the House of Representatives be appointed by the Speaker of the House to make an investigation of the enforcement of the conservation laws of this State and of the other matters above referred to in this resolution and to ascertain the facts and to gather information with reference to the matters herein referred to.

That said committee shall have the power to formulate its own rules of procedure and evidence, and to provide for its own hours for meeting and adjourning; and sessions of said committee shall be open to the public, except at such times as the committee, by a majority vote, may determine to hold an executive session. The chairman of said committee shall be elected by a majority vote of the members of said committee, and the committee shall appoint its own secretary and employes, and its sergeant-at-arms.

That the committee shall have the power to issue process for witnesses to any place in this State and to compel their attendance and to produce

all books and records and upon disobedience of any subpoena the said committee shall have the power to issue attachments, which may be addressed to and served by either the sergeant-at-arms appointed by said committee or any sheriff or any constable of this State; said committee shall have power to inspect and make copy of any books, records, or files of any department, commission or board of this State, or any employe or appointee by said committee and of any county or political subdivision of this State, and shall have power to examine and audit the books of any person, firm or corporation having dealings with said departments, commissions or boards under investigation or any employe or appointee of said offices. The committee shall have the power to administer oaths and affirmations and fix the bonds of attached witnesses and the committee shall further have all powers necessary in order to accomplish the purposes for which it is appointed.

The witnesses attending said committee under process shall be allowed the same mileage and per diem as is allowed witnesses in the trial of criminal cases in the district court.

Said committee shall have the power and authority to employ and compensate all necessary experts, investigators, stenographers, clerks, auditors and all other necessary employes, and it shall be the duty of said committee to make and keep a record of its investigations.

That said committee may call upon the Attorney General's Department for assistance and advice, and it shall be the duty of the Attorney General's Department to render opinions, give counsel and assistance to said committee upon the request of the chairman or members of said committee.

That said committee shall begin and complete its investigation at the earliest practicable moment, and shall submit a report in writing to any subsequent special session of the Forty-second Legislature, or if there be no subsequent special session, the committee shall submit its report to the Forty-third Legislature. The compensation and expenses herein provided for incident to such investigation shall be paid out of the appropriation for mileage and per diem and contingent expenses of the Third Called Session of the Forty-second Legislature upon sworn account of the persons entitled to such pay when ap-

proved by chairman of said committee and seven hundred fifty and no/100 dollars (\$750.00) is hereby appropriated out of the mileage and per diem and contingent fund of said Third Special Session of the Forty-second Legislature to meet the payment of such per diem and expenses of the members of said committee, witness fees and other expenses incident to said investigation.

Said committee may include in its report its recommendation of any legislation that should be enacted or other action that should be taken.

LONG,
YOUNG,
GRAVES,
WAGSTAFF,
WALKER,
HILL.

The substitute resolution was adopted.

The resolution as substituted was then adopted by the following vote:

Yeas—57.

Adams of Jasper.	Harman.
Akin.	Hefley.
Anderson.	Hill.
Barron.	Hines.
Bedford.	Howsley.
Brice.	Johnson
Brooks.	of Dimmit.
Bryant.	Kayton.
Burns of Walker.	Keller.
Burns	Leonard.
of McCulloch.	Long.
Caven.	Magee.
Coltrin.	Metcalfe.
Cox of Lamar.	Moffett.
Cox of Limestone.	Moore.
Cunningham.	Petsch.
Daniel.	Ramsey.
Donnell.	Ratliff.
Duvall.	Richardson.
Elliott.	Rogers.
Farmer.	Sherrill.
Ferguson.	Smith of Wood.
Finn.	Stephens.
Forbes.	Terrell
Ford.	of Val Verde.
Fuchs.	Towery.
Goodman.	Vaughan.
Graves.	Wagstaff.
Greathouse.	Walker.
Hanson.	Young.

Nays—48.

Adams of Harris.	Baker.
Adamson.	Beck.
Adkins.	Bradley.
Albritton.	Carpenter.
Alsup.	Coombes.

Dale.	Patterson.
Farrar.	Rountree.
Fisher.	Sanders.
Gilbert.	Satterwhite.
Grogan.	Savage.
Harrison	Scott.
of El Paso.	Shelton.
Holland.	Smith of Bastrop.
Hughes.	Sparkman.
Jackson.	Stevenson.
Jones of Atascosa.	Steward.
Justiss.	Strong.
Kennedy.	Sullivant.
Lasseter.	Tarwater.
Lemens.	Terrell
McGill.	of Cherokee.
Mathis.	Van Zandt.
Morse.	Warwick.
Murphy.	Weinert.
Olsen.	West of Coryell.

Present—Not Voting.

Herzik.

Absent.

Bond.	Laird.
Davis.	Lee.
Dodd.	Lilley.
Dowell.	McCombs.
Dunlap.	McGregor.
Dwyer.	Martin.
Engelhard.	Mehl.
Giles.	Munson.
Hardy.	Nicholson.
Harrison	O'Quinn.
of Waller.	Pope.
Holloway.	Ray.
Hoskins.	Turner.
Hubbard.	West of Cameron.
Jones of Shelby.	Westbrook.
Johnson	Wyatt.
of Dallam.	

Absent—Excused.

Bounds.	Lockhart.
Boyd.	McDougald.
Claunch.	Reader.
Holder.	Wiggs.

RELATIVE TO THE OPERATION OF COTTON EXCHANGES.

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 9, Relative to the operation of cotton exchanges.

Whereas, On August 8, 1932, the United States Department of Agriculture, through its Crop Reporting Service, published an estimate of the 1932 cotton crop as 11,306,000 bales, which estimate was based on crop conditions obtained on August 1, 1932; this same authority on Sep-

tember 8, 1932, estimated the yield of the 1932 cotton crop at 11,310,000 bales, thereby reflecting the condition of the United States cotton crop as of September 1, 1932; and

Whereas, The forecast of September 8, 1932, indicated an increase in production of only 4000 bales—an insignificant amount in world trade—and was in effect a confirmation of the August 8th crop forecast; and

Whereas, The forecast of the Crop Reporting Branch of the United States Department of Agriculture indicates the United States cotton production for the year 1932 as being 5,786,000 bales less than the 1931 crop and 3,348,000 bales less than the average production of the last five years; and

Whereas, The August textile statistics shows sales of cotton goods during the month of August to have reached 282 per cent of production of textiles manufactured during the month of August and that unfilled orders were 113 per cent larger than for July, 1932, which report shows a very healthy condition for the textile industry; and

Whereas, The comparably small United States cotton crop of 11,306,000 bales as forecast by the United States Department of Agriculture on August 8, 1932, together with the increased consumption of cotton, acted as a stimulant of confidence and as a sound and fundamental basis for substantial increase in the market price of cotton, which, if maintained and applied on the carryover of cotton from the previous crop and the prospective production of 1932, would have placed more than \$200,000,000 in the arteries of trade at a time when confidence and vigor in the stabilization of business of America is so vital; but

Whereas, Vicious and unwarranted manipulation, indulged in by operators on the New York, New Orleans, and Chicago Cotton Exchanges, acting in total disregard of supply and demand, improved conditions in textile industries, and increased consumption of American cotton, did take advantage of the government forecast as of September 8th, increasing its estimate a mere 4000 bales, and arbitrarily forced down the price of cotton more than 2 cents per pound or \$10 per bale; and

Whereas, This unjust manipulation by operators on the New York, New

Orleans and Chicago Cotton Exchanges has deprived the cotton growers of more than \$100,000,000, which, by the law of supply and demand as based on conditions of the cotton textile industries and consumption, is justly theirs, and has reduced the ability of cotton growers to meet their obligations in support of their government and schools, to provide the necessities for their families and support business in general, all of which causes unwarranted losses and suffering not only to the cotton growers but to practically all essential industries of the United States, and further adds to the unemployment situation; therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the vicious and malicious market manipulation, which has robbed the cotton growers of hundreds of millions of dollars, be strongly denounced and condemned as wholly unethical, uneconomical, and unfair to both cotton growers and all legitimate business in this State and nation; and be it further

Resolved, That the Secretary of the United States Department of Agriculture and the Congress of the United States be and are hereby memorialized to take such definite steps as necessary to properly regulate and control the operation of cotton exchanges in such manner as to prevent any recurrences of such unwholesome demoralization and malicious destruction of values of one of our nation's basic commodities and of all agricultural products which are the basis of this nation's wealth; and be it further

Resolved, That the Secretary of the Senate be directed to transmit a copy of this resolution to the Secretary of the United States Department of Agriculture, to both houses of the Congress of the United States, and to the President of the United States.

MARTIN,
BECK,

The resolution was read second time and was adopted.

TO GRANT D. N. BROOKS PERMISSION TO SUE THE STATE.

The Speaker laid before the House, for consideration at this time, House concurrent resolution No. 10, Granting D. N. Brooks permission to sue the State, the resolution having

heretofore been read second time and referred to the Committee on State Affairs, the committee having reported the resolution favorably.

Mr. Metcalfe offered the following (committee) amendment to the resolution:

Amend House concurrent resolution No. 10 by inserting in line 15, after the word "jurisdiction" and before the word "in," the words, "within the county of Travis."

The amendment was lost.

The resolution was then adopted by the following vote:

Yeas—98.

Adams of Harris.	Hill.
Adams of Jasper.	Hines.
Adamson.	Holland.
Akin.	Hoskins.
Alsup.	Howsley.
Anderson.	Hubbard.
Baker.	Johnson
Barron.	of Dimmit.
Beck.	Jones of Shelby.
Bedford.	Justiss.
Bond.	Keller.
Bradley.	Laird.
Burns of Walker.	Lasseter.
Burns	Lee.
of McCulloch.	Leonard.
Carpenter.	Lilley.
Coltrin.	Magee.
Coombes.	Martin.
Cox of Lamar.	Mathis.
Cox of Limestone.	Mehl.
Cunningham.	Metcalfe.
Dale.	Moore.
Daniel.	Morse.
Davis.	Munson.
Dodd.	Murphy.
Donnell.	Nicholson.
Dowell.	O'Quinn.
Dunlap.	Patterson.
Duvall.	Petsch.
Elliott.	Pope.
Farmer.	Ramsey.
Farrar.	Ratliff.
Ferguson.	Sanders.
Finn.	Satterwhite.
Fisher.	Savage.
Forbes.	Scott.
Ford.	Sherrill.
Fuchs.	Smith of Bastrop.
Goodman.	Smith of Wood.
Greathouse.	Sparkman.
Hardy.	Stephens.
Harman.	Stevenson.
Harrison	Steward.
of El Paso.	Strong.
Harrison	Tarwater.
of Waller.	Terrell
Hefley.	of Cherokee.
Herzik.	Towery.

Turner.
Wagstaff.
Walker.
Warwick.

Weinert.
West of Cameron.
Young.

Nays—17.

Albritton.
Brooks.
Bryant.
Caven.
Graves.
Grogan.
Hughes.
Jackson.
Kennedy.

Lemens.
McCombs.
McGregor.
Olsen.
Rogers.
Van Zandt.
Vaughan.
West of Coryell.

Absent.

Adkins.
Brice.
Dwyer.
Engelhard.
Gilbert.
Giles.
Hanson.
Holloway.
Johnson
of Dallam.
Jones of Atascosa.
Kayton.

Long.
McGill.
Moffett.
Ray.
Richardson.
Rountree.
Shelton.
Sullivant.
Terrell
of Val Verde.
Westbrook.
Wyatt.

Absent—Excused.

Bounds.
Boyd.
Claunch.
Holder.

Lockhart.
McDougald.
Reader.
Wiggs.

HOUSE BILL NO. 55 WITH SENATE AMENDMENTS.

Mr. Stevenson called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 55, A bill to be entitled "An Act authorizing any county, political subdivision or defined district thereof to hold an election for the purpose of the cancellation and revocation of any unsold road bonds, and providing that such election shall be ordered and held in the same form and manner provided for in voting such road bonds; providing for the cancellation and destruction of such unsold road bonds retired by reason of such election, and the adjustment of existing tax levies and refund of any taxes levied and collected in anticipation of the sale of such road bonds, etc."

The Speaker laid the bill before the House, and the Senate amendments were read.

On motion of Mr. Stevenson the House concurred in the Senate amendments by the following vote:

Yeas—116.

Adams of Harris.
Adams of Jasper.
Adamson.
Akin.
Albritton.
Alsup.
Baker.
Barron.
Beck.
Bedford.
Bond.
Bradley.
Brice.
Brooks.
Bryant.
Burns of Walker.
Burns
of McCulloch.
Carpenter.
Caven.
Coltrin.
Coombes.
Cox of Lamar.
Cox of Limestone.
Cunningham.
Dale.
Daniel.
Davis.
Dodd.
Donnell.
Dowell.
Dunlap.
Duvall.
Elliott.
Farmer.
Farrar.
Ferguson.
Finn.
Fisher.
Forbes.
Ford.
Fuchs.
Goodman.
Graves.
Greathouse.
Grogan.
Hardy.
Harman.
Harrison
of Waller.
Hefley.
Herzik.
Hill.
Hines.
Holland.
Holloway.
Hoskins.
Howsley.
Hubbard.
Hughes.
Jackson.

Johnson
of Dallam.
Johnson
of Dimmit.
Jones of Shelby.
Justiss.
Keller.
Kennedy.
Laird.
Lee.
Lemens.
Lilley.
McCombs.
McGregor.
Magee.
Martin.
Mathis.
Mehl.
Metcalf.
Moore.
Morse.
Munson.
Murphy.
Nicholson.
Olsen.
O'Quinn.
Patterson.
Petsch.
Pope.
Ramsey.
Ratliff.
Richardson.
Rogers.
Rountree.
Sanders.
Satterwhite.
Savage.
Scott.
Sherrill.
Smith of Bastrop.
Smith of Wood.
Sparkman.
Stephens.
Stevenson.
Steward.
Strong.
Tarwater.
Terrell
of Cherokee.
Towery.
Turner.
Van Zandt.
Vaughan.
Wagstaff.
Walker.
Warwick.
Weinert.
West of Coryell.
West of Cameron.
Young.

Absent.

Adkins.
Anderson.

Dwyer.
Engelhard.

Gilbert.	McGill.
Giles.	Moffett.
Hanson.	Ray.
Harrison	Shelton.
of El Paso.	Sullivant.
Jones of Atascosa.	Terrell
Kayton.	of Val Verde.
Lasseter.	Westbrook.
Leonard.	Wyatt.
Long.	

Absent—Excused.

Bounds.	Lockhart.
Boyd.	McDougald.
Claunch.	Reader.
Holder.	Wiggs.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 2.

Mr. Brooks, Chairman, submitted the following conference committee report on House bill No. 2:

Committee Room,
Austin Texas, September 16, 1932.

Hon. Edgar E. Witt, President of the Senate; and Hon. Fred M. Minor, Speaker of the House of Representatives.

Sirs: We, your conferees on House bill No. 2, appointed to adjust the differences between the House and the Senate on same, beg leave to report that we have agreed upon the differences between the two Houses and recommend the following bill to be adopted.

SMALL,
WOODRUFF,
ONEAL,
WOODWARD,
MOORE,

On the part of the Senate.

BROOKS,
HUBBARD,
HARMAN,
WEINERT,
WAGSTAFF,

On the part of the House.

H. B. No. 2. By Brooks, Farrar,
Hubbard, and
Stevenson.

A BILL

To Be Entitled

An Act acknowledging the legal, moral and implied obligation of the State to compensate and reimburse counties and defined road districts for expenditures on highways now and heretofore constituting a part

of the system of State highways; providing for the repayment to, and compensation and reimbursement of, counties and defined road districts, for their aid and assistance to the State in the construction of a system of State highways and determining the amount of same; providing for the purchase from, and compensation to, the counties and defined road districts for their interest and equities in the system of State highways; declaring a State policy with reference to the construction and maintenance of a system of State highways from a source of income other than ad valorem taxes; providing for the control, construction and maintenance of a system of State highways at State expense, and permitting the counties to furnish rights of way; providing for the allocation of the occupation or excise tax on the business of selling gasoline; providing that all moneys hereafter deposited to the credit of the "State Highway Fund" shall be subject to appropriation for certain purposes; defining the terms "Defined Road District," "Road District," "District," and the expression "Road" or "Roads," as used in this act; creating and defining the powers and duties of a "Board of County and Road Indebtedness"; creating the "County and Road District Highway Fund," and providing that said fund shall be deposited with the State Treasurer, from time to time, out of one-fourth ($\frac{1}{4}$) of the occupation or excise tax on the business of selling gasoline; prescribing the nature of the obligations of the counties and road districts that are eligible for payment under the terms of this act, and providing for the manner of ascertaining the extent of such eligible obligations, and the method of payment; making the State Treasurer ex-officio county treasurer for the counties and defined road districts for certain purposes, and prescribing his duties as such; providing for refunding county and/or road district bonds under certain contingencies; providing for accountants and clerical assistants for the Board of County and District Road Indebtedness, providing for the compensation therefor, and making an appropriation to defray

the expenses incident thereto; authorizing the county commissioners courts to adjust the collection of taxes; providing for an appropriation of moneys deposited to the credit of said County and Road District Highway Fund, with the State Treasurer, up to September 1, 1933, for application on the payment of principal, interest and sinking fund on eligible obligations to the counties and road districts of the State maturing from January 1, 1933, to September 1, 1933, and providing for a separate appropriation out of said fund for application on the payment of principal, interest and sinking fund on eligible obligations of counties and road districts maturing on and from September 1, 1933, to and including December 31, 1933, and providing that each year thereafter, until all such eligible obligations of said counties and road districts are fully paid, all moneys coming to the credit of said County and Road District Highway Fund, and all moneys remaining therein from the previous year, shall be subject to appropriation for application on the payment of principal, interest and sinking fund maturing from time to time on said eligible obligations; providing that no provision of this act shall be construed to authorize the giving or lending of the credit of the State to any county or road district, or lending the credit of the State for the payment of any outstanding indebtedness of the counties or districts, and providing that all of said eligible obligations shall remain obligations of the respective counties or districts which issued them; providing that the State does not assume the payment of any obligation; repealing Sections 3, 6 and 7 of Senate bill No. 74, Chapter 186, General Laws of the Regular Session, Thirty-ninth Legislature; providing for the repeal of any and all laws or parts of laws in conflict with the provisions of this act; providing that any portion of this act which may be declared invalid shall not affect any other portion or portions, and declaring an emergency.

Whereas, The ownership and control of all designated State highways are vested in the State, and the construction and maintenance of

same are functions of the State; and

Whereas, The State, over a period of years, by legislative enactment, exercised such powers and functions through the several counties and defined road districts of the State as its agencies for said purposes, and later resumed full and sole administrative control of, and jurisdiction over, the laying out, establishment, construction and maintenance of all public roads which were, or might become, a part of the system of designated State highways, and vested in the State Highway Department such full and sole control and jurisdiction; and

Whereas, At all of such times an economic necessity existed for speedily developing and extending the system of designated State highways; and

Whereas, The State lacked sufficient funds to adequately prosecute said purpose, and the counties and defined road districts of the State, pursuant to authority of the Legislature, aided the State in the development, construction and maintenance of said system of State highways, and furnished and contributed money to the State, through the issuance of bonds and warrants and otherwise lending their credit for said State improvements, all for the use and benefit of the State, which retained full administrative control of, and jurisdiction over, such roads, and the State now desires to take over and acquire and/or purchase and retain all interest and equities of the various counties and defined road districts in and to such roads which constitute and comprise a part of the system as designated State highways; and to reimburse, compensate and repay said counties and defined road districts to the extent and in the manner hereinafter set out for the cost incurred by said agencies in thus aiding the State.

Be it enacted by the Legislature of the State of Texas:

Section 1. It is hereby expressly recognized and declared that all highways now or heretofore constituting a part of the system of State highways which have been constructed in whole or in part from the proceeds of bonds, warrants or other evidence of indebtedness issued by counties of the State of Texas or by defined road districts of the State of Texas under the laws authorizing the

same, have been and are, and will continue to be, beneficial to the State of Texas at large, and have contributed, and will contribute, substantially to the general welfare, settlement and development of the entire State, and that, by reason of the foregoing, a heavy and undue burden was placed, and still rests, upon such counties and defined road districts and their inhabitants, and both a legal and a moral obligation rest upon the State to compensate and reimburse such counties and defined road districts which, as aforesaid, have performed functions resting upon the State, and have paid expenses which were and are properly State expenses, all for the use and benefit of the State.

It is further declared to be the policy of the State to take over, acquire and/or purchase and retain the interest and equities of the various counties and defined road districts in and to the roads constituting a part of the system of designated State highways and to reimburse said counties and districts therefor and to provide for the acquisition, establishment, construction, maintenance, extension and development of the system of designated State highways of Texas from some source of income other than the revenues derived from ad valorem taxes. And it is hereby determined that the further provisions of this act constitute a fair, just and equitable compensation, repayment and reimbursement to said counties and defined road districts for their aid and assistance to the State in the construction of a system of State highways, and fully discharges the legally implied obligations of the State to compensate, repay and reimburse the agencies of the State for expenses incurred at the instance and solicitation of the State, as well as for expenses incurred for the benefit of the State.

Sec. 2. By the expression "defined road district" or "road district" or "district," used in this act, is meant any defined road district of the State or any justice or commissioner's precinct acting as a road district or any road district located in one, or more than one, county. By the expression "road" or "roads," as used in this act, is meant roads, road beds, bridges, and culverts; but same shall not be construed to include the cost of right of way of any road within the terms of this act.

Sec. 3. That Sections 3, 6 and 7 of Senate bill No. 74, Chapter 186 of the General Laws of the Regular Session of the Thirty-ninth Legislature, be and the same are hereby in all things repealed; but this shall in no wise affect the carrying out of any binding contracts now existing between the State Highway Department and the commissioners' court of any county, for such county, or for any defined road district.

Sec. 4. All further improvement of said State highway system shall be made under the exclusive and direct control of the State Highway Department, and with appropriations made by the Legislature out of the State Highway Fund. Surveys, plans and specifications and estimates for all further construction and improvement of said system shall be made, prepared and paid for by the State Highway Department. No further improvement of said system shall be made with the aid of or with any moneys furnished by the counties, except the acquisition of rights of way which may be furnished by the counties, their subdivisions or defined road districts. But this shall in no wise affect the carrying out of any binding contracts now existing between the State Highway Department and the commissioners' court of any county, for such county, or for any defined road district. In the development of the system of State highways and the maintenance thereof, the State Highway Commission shall, from funds available to the State Highway Department, provide:

(a) For the efficient maintenance of all highways comprising the State system.

(b) For the construction, in cooperation with the Federal government to the extent of Federal aid to the State, of highways of durable type of the greatest public necessity.

(c) For the construction of highways, perfecting and extending a correlated system of State highways, independently from State funds.

Sec. 5. All moneys now or hereafter deposited in the State Treasury to the credit of the "State Highway Fund," including all Federal aid money deposited to the credit of said fund under the terms of the Federal Aid Highway Act, shall be subject to appropriation by the Legislature for the specific purpose of the improvement of said system of State

highways by the State Highway Department.

Sec. 6. Each month the Comptroller of Public Accounts, after computing and ascertaining the maximum amount of refunds that may be due by the State on the business of selling gasoline, as provided in Section 17, Chapter 88, General Laws, Acts of the Second Called Session of the Forty-first Legislature, as amended by Chapter 104, General Laws, Acts of the Regular Session of the Forty-second Legislature, shall deduct same from the total occupation or excise tax paid on the business of selling gasoline, as imposed by Section 17, Chapter 98, General Laws, Acts of the Regular Session of the Forty-second Legislature; and, beginning with said taxes collected on and after October 1, 1932, shall, after deducting the said maximum amount of refunds, allocate and place the remainder of said occupation or excise tax on the business of selling gasoline, in the State Treasury as provided by law, in the proportion as follows: One-fourth ($\frac{1}{4}$) of such occupation or excise tax shall go to, and be placed to the credit of, the Available Free School Fund; one-fourth ($\frac{1}{4}$) of same shall go to, and be placed to the credit of, a fund to be known as the "County and Road District Highway Fund"; the remainder of such occupation or excise tax shall go to, and be placed to the credit of, the State Highway Fund, for the construction and maintenance of the public roads of the State, constituting and comprising the system of State highways of Texas, as designated by the State Highway Commission of Texas.

Sec. 7. (a) All bonds, warrants or other evidences of indebtedness heretofore issued by counties or defined road districts of the State, which mature on and after January 1, 1933, and in so far as amounts of same were issued for, and the proceeds actually expended in, the construction of roads that constitute and comprise a part of the system of designated State highways upon the effective date of this act, or that heretofore constituted a part of said system, and which has been either changed, relocated, or abandoned, whether said indebtedness is now evidenced by the obligations originally issued or by refunding obligations, or both; and all bonds, warrants or other evidences of

indebtedness which may be hereafter issued and sold by any county or district for the purpose of constructing any designated State highway pursuant to a contract existing on or before September 1, 1932, between the State Highway Department and any such county or district shall be eligible to participate, on and after January 1, 1933, in the distribution of the moneys coming into said County and Road District Highway Fund subject to the provisions of this act, less, however, the amount of the sinking funds which was required to be accumulated in such funds of the respective counties and districts under existing laws and under the provisions of the statutes and orders of the commissioners' courts authorizing the issuance of said eligible obligations, and the tax levy authorized at the time of issuance thereof, for the time such obligations have run, regardless of whether the full amount of said funds is actually on hand and to the credit of the sinking funds of the several counties and defined road districts.

It being expressly provided in this connection that the term "sinking funds" shall include only those funds accumulated, and required to be accumulated, under now existing laws for the retirement of bonds, and shall not include any excess or surplus which may have been accumulated by any county or road district above the legal requirements. The amount of such eligible indebtedness is to be determined as hereinafter provided. In the event the State Highway Commission has, on a date prior to the effective date of this act, indicated its intention of designating as State highways the public roads of any county or road district in this State, and has recorded such intention in its official records, then the provisions of this act shall apply.

(b) For the purpose of administering the provisions of this act, there is hereby created a Board of County and District Road Indebtedness, which shall consist of the State Highway Engineer, the State Comptroller of Public Accounts, and the State Treasurer of the State of Texas. The State Comptroller of Public Accounts shall be the secretary of the said board and said board shall select its own chairman from its membership. The board shall adopt its own rules consistent with

this act for the proceedings held hereunder and shall have authority to call to its assistance, in arriving at the amount of bonds, warrants or other evidences of indebtedness eligible to participate in the County and Road District Highway Fund, any official or employe of this State. The Board of County and Road District indebtedness shall have access to all county and State records pertinent to its inquiry in arriving at the amounts of the bonds, warrants or other evidences of indebtedness eligible to participate in the County and Road District Highway Fund.

(c) The county judge of each county shall furnish to the State Comptroller of the State of Texas, within thirty (30) days after the effective date of this act, a complete list and description of each and every issue of county or road district bonds, warrants, or other evidences of indebtedness, the proceeds of which, in whole or in part, were expended in the construction of roads that now constitute or heretofore constituted a part of the system of designated State highways, whether said indebtedness is now evidenced by the obligations originally issued or by refunding obligations. Said list and description shall contain the name of the county or road district issuing the same, the date of issuance, the rate of interest, the original amount of obligations issued, whether the same were sold at one time or in installments, the amount of said indebtedness already paid by the county or district, the amount of said indebtedness outstanding at the time of the effective date of this act, the amount of said indebtedness which will mature on and after January 1, 1933, the dates of maturities of said obligations and of coupons appertaining thereto, the place of payment of said evidences of debt as fixed therein, the amount of accumulated sinking funds held by such county to the credit of each issue of such obligations, and the amount of sinking funds which was required to be accumulated in such funds of the respective counties and districts, under existing laws, and the provisions of the statutes and orders of the commissioners' court, authorizing the issuance of said eligible obligations, and the tax levy authorized at the time of the issuance thereof, for the time such obligations have run, regardless of whether the full amount of said funds is actually on

hand and to the credit of the sinking funds of the counties and defined road districts, the name of each road upon which any part of the proceeds of said obligations were actually expended and how much of same were actually expended upon each road, the date or dates of such expenditures as shown by the county records, and from time to time shall furnish to the State Comptroller such other data and information as may be requested by the State Comptroller or by the Board of County and District Road Indebtedness. The State Comptroller of the State of Texas and the Chairman of the State Highway Commission, from time to time, shall furnish to said Board of County and District Road Indebtedness such data and information as said board may deem necessary and appropriate for the performance of its duties under this act.

(d) It shall be the duty of the Board of County and District Road Indebtedness, from the data and information furnished by the county judges of the State, and by the Chairman of the State Highway Commission, and by the State Comptroller, and from such further investigation as said board may deem necessary, to ascertain and determine the amount of indebtedness eligible under the provisions of this section of this act to participate in the moneys coming into said County and Road District Highway Fund. Whenever in the case of any particular issue of obligations the proceeds thereof have been expended partly on designated State highways or highways heretofore constituting designated State highways and partly on roads which never have been designated State highways, said board shall ascertain and determine the amount of said obligations, the proceeds of which were actually expended on State highways or on roads heretofore constituting State highways, and said obligations to said amount and extent shall be eligible for participation in the moneys coming into the County and Road District Highway Fund, and said ascertainment and determination shall be certified to the county judge by said board, and the commissioners' court of said county shall determine by resolution which particular obligations of said issue shall be finally listed with said board as eligible for participation in said moneys or whether, at the option of said commissioners'

court, all of the unmatured outstanding obligations of said issue shall ratably have the benefit of said participation in said moneys, and the commissioners' court of the county shall promptly send to said board a certified copy of said resolution. The ascertainment and determination by the Board of County and District Road Indebtedness, after reasonable notice and hearing, of the amount of any county or district obligations eligible under the provisions of this act to participate in any moneys coming into the County and Road District Highway Fund, or as to the amount of any obligations the proceeds of which were actually expended on State highways, or on roads heretofore constituting State highways, shall be final and conclusive and shall not be subject to review in any other tribunal. But said Board of County and District Road Indebtedness shall have the right at any time to correct any errors or mistakes it may have made.

(e) The Comptroller shall make and keep a record of all county and defined road district eligible obligations, issue by issue, and a book shall be prepared and kept in which shall be recorded all eligible issues, maturity dates of principal and interest, rates of interest, and places of payment for each county and each defined road district; each issue and the data pertaining to same shall be listed separately. The comptroller shall keep a record of all vouchers issued.

(f) The State Treasurer shall keep a separate account, for each county and defined road district, of any moneys received for the credit of said county or district pursuant to the provisions hereof.

(g) A list shall be compiled by the Board of County and District Road Indebtedness showing the amount ascertained and determined by it to be the eligible indebtedness of each county and each defined road district, and a copy thereof shall be furnished to each county judge in this State.

(h) As soon as practicable after the effective date of this act, the Board of County and District Road Indebtedness shall ascertain and determine the sum necessary to pay the interest and principal maturing on and from January 1, 1933, up to September 1, 1933, as well as sinking fund requirements, on all eligible obligations, as defined in this act, and

shall estimate the sum which shall be applicable to the same; and said board shall also ascertain and determine the sum necessary to pay the interest and principal maturing from September 1, 1933, to December 31, 1933, both inclusive, as well as sinking fund requirements, on all eligible obligations as defined in this act, and shall estimate the sum which shall be applicable to the same; and thereafter, from year to year, at least thirty (30) days prior to September 1 of each year, said board shall ascertain and determine the sum necessary to pay interest and principal maturing, and sinking fund requirements, on all eligible obligations for the next succeeding calendar year, and shall estimate the sum which shall be applicable to the same, and the board, in each instance, shall certify the sums so ascertained and determined to the State Treasurer. After the board shall estimate the amount applicable to interest, principal and sinking fund requirements, the Comptroller shall give notice to the county commissioners' court of each county of the estimated amount available for application to said interest, principal and sinking fund requirements. In the event the amount so estimated to be applied to the payment of eligible obligations for any county or road district is sufficient to meet all maturing principal, interest and sinking fund requirements, the county commissioners' court may dispense with the collection of ad valorem levies for such calendar and/or fiscal year for such interest, principal or sinking fund requirements. In the event the amount of payments so estimated to be applied is not sufficient to meet the maturing principal, interest and sinking fund requirements, the county commissioners' court shall collect, from taxes on the property in said respective counties and districts, an amount of money equal to the difference between the amount of such requirements and the amount available for application. In this connection, it is declared to be the intent of the Legislature that all contractual duties and obligations which may exist between any county and/or district and the owner or holder of the present outstanding indebtedness of any such county and/or defined road district, shall not be in any manner disturbed or impaired, and shall remain inviolate. Any tax heretofore provided for

to be levied in support of any present outstanding indebtedness affected by the provisions of this act shall continue to be assessed, levied and collected as originally provided; however, the collection of said tax may, by order of the commissioners' court, be lessened and reduced by the payments made, and to be made, thereon and in behalf of such indebtedness out of the special County and Road District Highway Fund, as herein provided, and as succeeding Legislatures shall, by appropriation, make provision therefor. The proceeds of any taxes collected for this purpose shall be remitted by the county treasurer of each county collecting the same, together with a statement of the amount collected, to the State Treasurer, and shall be held by the State Treasurer, as ex-officio treasurer of said county or road district, for the benefit of the county or district remitting same and disbursed to meet the principal and interest requirements on the eligible obligations of said county or district. The county commissioners' court as an alternative, subject to the approval of the Board of County and District Road Indebtedness, may, as provided by law, authorize the issuance of refunding obligations for the purpose of refunding any part or all of the amount of principal of eligible obligations maturing during the current year in excess of the sum available in the County and Road District Highway Fund applicable to interest and principal on eligible indebtedness of the particular county or road district. Provided that the Board of County and Road District Indebtedness shall not approve any such refunding bonds as eligible to participate in the County and Road District Highway Fund, unless such refunding bonds bear as low, or lower, rate of interest than that borne by the original bonds or warrants refunded, and the maturity date of such refunding bonds and/or warrants shall not extend more than ten (10) years beyond the maturity date of the original bonds and/or warrants. In the event the amount of funds available to be applied to meet the maturing principal, interest and sinking fund requirements in any calendar or fiscal year is not sufficient to satisfy such requirements, the moneys available in the County and Road District Highway Fund, as estimated and determined by the board, shall be, for that calendar or

fiscal year, first applied to the payment and satisfaction of interest maturing on all eligible obligations during the particular calendar and/or fiscal year, and this payment is to be made ratably upon the interest on eligible obligations of the various counties and districts; and if there is more of said moneys available than necessary to pay all of said interest, then such balance over the required interest payment for such year shall be distributed ratably to each issue of eligible obligations on the basis of the principal of eligible obligations and sinking fund requirements thereon maturing each year.

(i) The county commissioners court of any county may exercise the authority now conferred by law to issue refunding obligations for the purpose of refunding any eligible debt of the county or of any defined road district; and such refunding obligations, when validly issued, shall be eligible obligations within the meaning of this act, if said Board of County and Road District Indebtedness shall approve the maturities of said refunding obligations and the rate of interest borne by them. In any instance where, in the opinion of said board, the existing maturities of any issue of eligible obligations or any part thereof are such as to give the county or defined road district which issued them an inequitable or disproportionate participation in the moneys coming into the County and Road District Highway Fund in any particular period, said board, in its discretion, may require said issue or any part thereof to be refunded into refunding obligations bearing such rate of interest and having such maturities as may be satisfactory to the board. And if said county or road district shall fail or refuse to effectuate such refunding within a reasonable time to be fixed by said board, said obligations so required to be refunded shall cease to be eligible for participation in said County and Road District Highway Fund until the requirements of said board with respect to refunding the same shall be complied with. Provided, that no commission, bonus or premium shall be paid by any county or road district for the refunding of such obligations and no county treasurer shall receive any commission for the handling of

the funds derived from the refunding of such obligations.

(j) All moneys deposited to the credit of the County and Road District Highway Fund, with the State Treasurer, up to September 1, 1933, are hereby appropriated to said respective counties and road districts, and shall be received, held, used and applied by the State Treasurer, as ex-officio treasurer of said respective counties and road districts, to the payment of the principal, interest and sinking fund requirements on all eligible obligations maturing on and from January 1, 1933, to September 1, 1933. All moneys remaining in said fund after payment of all eligible obligations maturing on and from January 1, 1933, to September 1, 1933, and sinking fund requirements, are hereby appropriated to said respective counties and road districts, and shall be received, held, used and applied by the State Treasurer, as ex-officio treasurer of said respective counties and road districts, to the payment of principal, interest and sinking fund requirements on all eligible obligations maturing from September 1, 1933, to December 31, 1933, both inclusive. And each year thereafter until all of such eligible obligations are fully paid, all moneys coming into the credit of the County and Road District Highway Fund with the State Treasurer and all moneys remaining therein from the previous year shall be received and held by him as ex-officio treasurer of said counties and districts, and shall be subject to appropriation for the payment of principal, interest and sinking fund maturing from time to time on said eligible obligations. As payment of principal or interest becomes due upon any such eligible obligation, the State Comptroller of Public Accounts shall issue his warrants to the State Treasurer for the payment thereof; and the State Treasurer shall pay same by remitting to the bank or trust company or other place of payment designated in the particular obligation. Such warrants shall state on their face that the proceeds of the same are to be applied by the paying agent to the payment of certain specified obligations or interest therein described, giving the name of the county or district by which they were issued, numbers, amounts and dates of maturities of the obligations and

interest to be paid with instructions to the paying agent, bank or trust company to return to the Comptroller such obligations and interest coupons when same are paid, and the Comptroller shall, upon receipt of said obligations and coupons, credit same on his records and send them, duly cancelled, to the commissioners court of the appropriate county, which shall cause to be duly entered a record of such cancellation.

(k) Expense necessary to be incurred in the determination of the indebtedness of the counties and defined road districts of the State in the construction of designated State highways, and in the discharge of the duties involved for the payment of such obligations, shall be paid from the County and Road District Highway Fund, upon the approval of the said board by warrant of the State Comptroller; and the sum of \$25,000 out of said fund, or so much thereof as may be necessary, is hereby appropriated for that purpose. The chief accountant shall receive a salary not to exceed two hundred fifty dollars (\$250) per month; auditors shall receive a salary not to exceed two hundred dollars (\$200) per month; and bookkeepers and/or bond clerks not to exceed one hundred fifty dollars (\$150) per month; stenographers and/or clerks not to exceed one hundred dollars (\$100) per month, said salaries to be fixed by said board.

Sec. 8. No provision of this act shall ever be construed to authorize the giving or lending of the credit of the State to any county or district or to pledge the credit of the State in any manner whatever for the payment of any of the outstanding road indebtedness herein referred to of the counties or districts of the State. It is hereby declared that all eligible obligations, as herein defined, shall remain obligations of the respective counties or defined road districts which issued them and said counties or districts shall remain liable on said obligations according to their terms and tenor; and it is not the purpose or intention of this act, or any part hereof, to obligate the State of Texas, directly or indirectly or contingently, for the payment of any of such obligations or that the State of Texas should assume the payment of any of said obligations, and this act is not to be construed

as obligating the State of Texas to the holders of any of said obligations to make any payment of the same, or any part thereof, nor shall such holders have any rights to enforce the appropriations of any of the moneys hereinabove provided for, but the provisions hereof are intended solely to compensate, repay and reimburse said counties and districts for the aid and assistance they have given to the State in furnishing, advancing and contributing money for building and constructing State highways, and to provide for the use and application by said counties and districts of the moneys to which they shall become or be entitled under the provisions of this act. It is the intention of this act to make two (2) several, separate, and distinct appropriations of funds from the County and Road District Highway Fund, each of which will be entirely independent of the other. First, an appropriation, as hereinbefore made, to pay the principal, interest and sinking fund on all eligible obligations maturing on and from January 1, 1933, to September 1, 1933, the end of the current statutory fiscal year. Second, an appropriation, as hereinbefore made, to pay the principal, interest and sinking fund on all eligible obligations maturing on and from September 1, 1933, to December 31, 1933, inclusive. No part of said County and Road District Highway Fund shall be used after December 31, 1933, unless the Legislature shall hereafter make a specific appropriation in accordance with the provisions of Section 6, Article 8, of the Constitution, it being the legislative intent to confine the appropriation for use within the constitutional limit of two (2) years. If either one of the two appropriations herein made should be held to be invalid, nevertheless, the other appropriation will be administered as herein provided.

Sec. 9. If succeeding Legislatures shall carry out the policy herein defined by authorizing a similar appropriation of County and Road District Highway Funds, from time to time, then whenever the interest and principal necessary to retire the outstanding bond indebtedness owing for designated State highways shall have been fully paid as herein provided, for any county or defined road district according to the provisions of

this act, then and in that event, the title and possession of all roads, roadbeds, bridges and culverts, in such county or defined road districts which are included in the system of designated State highways, shall automatically vest in fee simple in the State of Texas, and in the event of any subsequent physical change therein, such title and possession shall extend to any such change so made; provided that when the right of way, or any part thereof, has been abandoned because of the abandonment of such road for all public road purposes, and such right of way, or any part thereof, was donated by the owner of the land for right of way purposes, then and in that event, the fee simple title shall vest in said owner, his heirs or assigns; provided, however, that nothing in this act shall prevent the State Highway Commission from changing or abandoning any State highway or part thereof; but, in the event the State Highway Commission shall change or abandon any State highway in any county, the commissioners' court of such county shall have the right to assume jurisdiction over such portion of such highway so abandoned by the State Highway Commission.

Sec. 10. If any provision, part, section, subsection, sentence, clause, phrase or paragraph of this act be declared invalid or unconstitutional, the same shall not affect any other portion or provision hereof, and all other provisions shall remain valid and unaffected by any invalid provision, if any.

Sec. 11. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Sec. 12. The fact that counties and defined road districts of this State should be immediately given the compensation and reimbursement provided for in this act and that such relief and reimbursement cannot be given them without the passage of this act creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in both houses be suspended, and such rule is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Brooks moved that the report be adopted.

Mr. Pope moved that the report be not adopted and that the committee be instructed to make certain changes in the personnel of the Board of Advisors.

Question first recurring on the motion by Mr. Pope, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—26.

Adkins.	Hefley.
Burns	Holloway.
of McCulloch.	Kayton.
Coombes.	Laird.
Cox of Lamar.	Lasseter.
Cunningham.	McCombs.
Dodd.	McGregor.
Elliott.	Mehl.
Farmer.	Nicholson.
Farrar.	Pope.
Greathouse.	Richardson.
Grogan.	Scott.
Hardy.	Sherrill.
Harrison of Waller.	

Nays—97.

Adams of Harris.	Hines.
Adams of Jasper.	Holland.
Adamson.	Howsley.
Akin.	Hubbard.
Albritton.	Hughes.
Alsup.	Jackson.
Baker.	Johnson
Barron.	of Dallam.
Bedford.	Johnson
Bond.	of Dimmit.
Bradley.	Jones of Shelby.
Brice.	Jones of Atascosa.
Brooks.	Justiss.
Bryant.	Kennedy.
Burns of Walker.	Lee.
Carpenter.	Lemens.
Caven.	Leonard.
Coltrin.	Long.
Cox of Limestone.	McGill.
Daniel.	Magee.
Davis.	Martin.
Donnell.	Mathis.
Dowell.	Metcalf.
Duvall.	Moffett.
Ferguson.	Moore.
Finn.	Morse.
Fisher.	Munson.
Forbes.	Murphy.
Ford.	Olsen.
Fuchs.	O'Quinn.
Gilbert.	Petsch.
Giles.	Ramsey.
Goodman.	Ratliff.
Graves.	Ray.
Hanson.	Rogers.
Harman.	Rountree.
Herzik.	Sanders.
Hill.	Satterwhite.

Savage.	Towery.
Shelton.	Turner.
Smith of Bastrop.	Van Zandt.
Smith of Wood.	Vaughan.
Sparkman.	Wagstaff.
Stephens.	Walker.
Stevenson.	Warwick.
Steward.	Weinert.
Strong.	West of Coryell.
Sullivant.	West of Cameron.
Tarwater.	Young.
Terrell of Cherokee.	

Absent.

Anderson.	Hoskins.
Beck.	Keller.
Dale.	Lilley.
Dunlap.	Patterson.
Dwyer.	Terrell
Engelhard.	of Val Verde.
Harrison	Westbrook.
of El Paso.	Wyatt.

Absent—Excused.

Bounds.	Lockhart.
Boyd.	McDougald.
Claunch.	Reader.
Holder.	Wiggs.

Question then recurring on the motion by Mr. Brooks that the report be adopted, it prevailed by the following vote:

Yeas—125.

Mr. Speaker.	Dunlap.
Adams of Harris.	Duvall.
Adams of Jasper.	Elliott.
Adamson.	Farmer.
Adkins.	Farrar.
Akin.	Ferguson.
Albritton.	Finn.
Alsup.	Fisher.
Anderson.	Forbes.
Baker.	Ford.
Barron.	Fuchs.
Beck.	Gilbert.
Bedford.	Giles.
Bond.	Goodman.
Bradley.	Graves.
Brice.	Greathouse.
Brooks.	Grogan.
Bryant.	Hanson.
Burns of Walker.	Hardy.
Carpenter.	Harman.
Caven.	Harrison
Coltrin.	of Waller.
Coombes.	Hefley.
Cox of Lamar.	Herzik.
Cox of Limestone.	Hill.
Cunningham.	Hines.
Daniel.	Holland.
Davis.	Holloway.
Dodd.	Hoskins.
Donnell.	Howsley.
Dowell.	Hubbard.

Hughes.	Ramsey.
Jackson.	Ratliff.
Johnson	Ray.
of Dallam.	Richardson.
Johnson	Rogers.
of Dimmit.	Rountree.
Jones of Shelby.	Sanders.
Jones of Atascosa.	Satterwhite.
Justiss.	Savage.
Kayton.	Scott.
Kennedy.	Shelton.
Laird.	Sherrill.
Lee.	Smith of Bastrop.
Lemens.	Smith of Wood.
Leonard.	Sparkman.
Lilley.	Stephens.
Long.	Stevenson.
McCombs.	Steward.
McGill.	Strong.
Magee.	Tarwater.
Martin.	Terrell
Mathis.	of Cherokee.
Mehl.	Towery.
Metcalfe.	Turner.
Moffett.	Van Zandt.
Moore.	Vaughan.
Morse.	Wagstaff.
Munson.	Walker.
Murphy.	Warwick.
Nicholson.	Weinert.
Olsen.	West of Coryell.
O'Quinn.	West of Cameron.
Petsch.	Young.
Pope.	

Nays—3.

Lasseter.	Sullivant.
McGregor.	

Absent.

Burns	Keller.
of McCulloch.	Patterson.
Dale.	Terrell
Dwyer.	of Val Verde.
Engelhard.	Westbrook.
Harrison	Wyatt.
of El Paso.	

Absent—Excused.

Bounds.	Lockhart.
Boyd.	McDougald.
Claunch.	Reader.
Holder.	Wiggs.

REASONS FOR VOTES.

I voted for the conference report on House bill No. 2, because it is a gesture in the right direction, though the relief is small. The exclusion of payment on bonds, the proceeds of which were expended on procuring right of way, violates the declared policy and purposes of the bill and minimizes the promised relief. Under the declared policy to purchase the roads by reimbursing the counties

for local aid why should it be limited to construction and refused for the primary expense of procuring the road bed? In many instances the right of way was willingly bought by the counties with bond money at the instance of the Highway Commission and under its supervision, for economic reasons. To now refuse reimbursement, violates the general policy of reimbursement, is unjust, illogical, and a perversion of the wise policy of the bill.

On account of refusing reimbursement for right of way I foresee a revival of this issue in the Forty-third Legislature, disturbing its orderly proceedings; and if adequate relief is not then given, I fear it will be used as an argument and a bludgeon to revive the policy of a great bond issue and upset that constitutional policy of Texas, which has preserved the solvency of this State while its municipalities under a different constitutional policy, stagger on the brink of bankruptcy.

I vote for House bill No. 2 on account of the partial relief given and on account of the wise policy of reimbursement, though inadequate, embraced in it, but fear the ultimate consequences arising from its inadequacy.

FARRAR.

I voted for House bill No. 2 because it was a suggestion in the way of tax relief. It wasn't what I would liked to have had, because I thought that the bonds issued for the purchase of rights of way should have been included in the bill, and tried in various ways, and by my vote, to have same included in the bill; but the House and the Senate saw different. Some of the provisions of the bill I doubt will be sustained if contested in the courts; however, as I have always stood for tax relief and economy, I am voting for this bill, being the best we could do on this occasion.

ALBRITTON.

In voting for House bill No. 2, it is not what I wanted, because it was a suggestion in the way of tax relief. It wasn't what I would liked to have had. Because I thought that the bonds issued for the purchase of rights of way should have been included in the bill, I have tried in every way possible and with my vote to have same included in the bill, but the House and Senate saw different. On account of some of the provisions

of the bill, I doubt whether or not it will be sustained, if it is contested in the courts of the land. At any rate, I have always stood for tax relief and economy. I am voting for House bill No. 2, being the best we could do on this occasion.

OLSEN.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, September 16, 1932.
Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

H. C. R. No. 16, Requesting the Governor to return House bill No. 22 to the House for corrections.

The Senate has passed

H. B. No. 48, A bill to be entitled "An Act providing for the execution of surety company bonds by county tax collectors in special cases, etc., and declaring an emergency," with amendment.

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 48 WITH SENATE AMENDMENTS.

Mr. Satterwhite called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 48, A bill to be entitled "An Act providing for the execution of surety company bonds by county tax collectors in special cases, providing for the payment of premiums on those bonds in certain counties; and providing for weekly remittances of county and State taxes by county tax collectors, and special reports by tax collectors and county depositories to be furnished upon the request of the Comptroller or the commissioners court as to funds in their hands and special remittances thereof to safeguard funds in their hands and protect their bondsmen, providing penalties, and declaring an emergency."

The Speaker laid the bill before the House, and the Senate amendments were read.

On motion of Mr. Satterwhite, the House concurred in the Senate amendments by the following vote:

Yeas—121.

Adams of Harris.	Jones of Shelby.
Adams of Jasper.	Jones of Atascosa.
Adamson.	Justiss.
Adkins.	Kayton.
Akin.	Kennedy.
Albritton.	Laird.
Alsup.	Lasseter.
Anderson.	Lee.
Baker.	Lemens.
Barron.	Leonard.
Bedford.	Lilley.
Bond.	Long.
Bradley.	McCombs.
Brice.	McGill.
Bryant.	McGregor.
Burns of Walker.	Magee.
Burns	Martin.
of McCulloch.	Mathis.
Carpenter.	Mehl.
Caven.	Metcalfe.
Coltrin.	Moffett.
Coombes.	Moore.
Cox of Lamar.	Morse.
Cox of Limestone.	Munson.
Cunningham.	Murphy.
Daniel.	Nicholson.
Davis.	Olsen.
Dodd.	O'Quinn.
Donnell.	Petsch.
Dowell.	Pope.
Duvall.	Ramsey.
Elliott.	Ratliff.
Engelhard.	Ray.
Farmer.	Rogers.
Farrar.	Rountree.
Ferguson.	Sanders.
Finn.	Satterwhite.
Fisher.	Savage.
Forbes.	Scott.
Ford.	Shelton.
Fuchs.	Sherrill.
Gilbert.	Smith of Wood.
Giles.	Sparkman.
Goodman.	Stephens.
Graves.	Stevenson.
Greathouse.	Steward.
Grogan.	Strong.
Hanson.	Sullivant.
Hardy.	Tarwater.
Harman.	Terrell
Hefley.	of Cherokee.
Herzik.	Towery.
Hill.	Turner.
Holland.	Van Zandt.
Holloway.	Vaughan.
Hoskins.	Wagstaff.
Howsley.	Walker.
Hughes.	Warwick.
Jackson.	Weinert.
Johnson	West of Coryell.
of Dallam.	West of Cameron.
Johnson	Young.
of Dimmit.	

Absent.

Beck.	Hubbard.
Brooks.	Keller.
Dale.	Patterson.
Dunlap.	Richardson.
Dwyer.	Smith of Bastrop.
Harrison	Terrell
of El Paso.	of Val Verde.
Harrison	Westbrook.
of Waller.	Wyatt.
Hines.	

Absent—Excused.

Bounds.	Lockhart.
Boyd.	McDougald.
Claunch.	Reader.
Holder.	Wiggs.

INVITING MRS. CLARA DRIS-
COLL SEVIER TO ADDRESS
THE HOUSE.

Mr. Pope offered the following resolution:

Whereas, The Democracy of the State and Nation has a challenge to meet at this time in the eminency of the November election, and the forward march of the party to victory; and

Whereas, Texas is interested as never before in the success of the Democratic ticket, because a native Texan, in the person of Hon. John Nance Garner, Speaker of the House of Representatives of the United States, has been selected by the Democracy of the Nation as their standard bearer for Vice-President, with Governor Franklin D. Roosevelt as Presidential nominee; and

Whereas, Through National Committeewoman, Mrs. Clara Driscoll Sevier, and National Committeeman, Hon. Jed C. Adams, the State is now being organized intensively, from the center of the State as the hub to the remotest precinct; and

Whereas, The National Democratic Headquarters for the campaign are located in the city of Austin, and Mrs. Sevier is now in the city and in touch with said headquarters; and

Whereas, The interests of the Democratic Party at this time demand a reaffirmation of adherence on the part of every loyal Texan and every true party man and woman to the Democratic principles of Jefferson, Jackson and Wilson; and

Whereas, The open forum provided by our State government in the House of Representatives and the

Senate of Texas affords an opportunity for a discussion of all governmental and party affairs; now, therefore, be it

Resolved, That Mrs. Sevier, Democratic National Committeewoman for Texas, be invited to address the House upon Democratic Party matters at such time during the afternoon as the House deems is advisable to have her speak. Be it further

Resolved, That Hon. Roy Miller, who is the choice of Mrs. Sevier and Mr. Adams as director of the campaign in Texas, be also invited to appear before the House and present the plans of organization in such detail as he may care to do.

MOORE,
HUGHES,
POPE,
ANDERSON.

The resolution was read second time and was adopted.

RECESS.

On motion of Mr. Hardy, the House, at 12 o'clock m., took recess to 2 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m., and was called to order by the Speaker.

SENATE BILL NO. 44 ON PAS-
SAGE TO THIRD READING.

The Speaker laid before the House, as pending business, on its passage to third reading,

S. B. No. 44, A bill to be entitled "An Act for the purpose of releasing the interest and penalties on all delinquent ad valorem and poll taxes due the State, etc., and declaring an emergency."

The bill having heretofore been read second time, with amendment by Mr. Bradley, pending.

Mr. Jones of Atascosa moved the previous question on the pending amendment, amendments on the Speaker's desk, and the bill, and the main question was ordered.

Question first recurring on the amendment by Mr. Bradley, it was lost.

Mr. Terrell of Val Verde offered the following amendment to the bill:

Amend Senate bill No. 44 by striking out the following words in Section 1, lines 29 and 30: "Special school districts, school districts."

TERRELL of Val Verde,
HOWSLEY.

The amendment was lost.

Mr. Burns of McCulloch offered the following amendment to the bill:

Amend Senate bill No. 44, by striking out all of Section 1 of said bill beginning with "it is provided" in line 8, on page 2 of the mimeographed bill and insert in lieu thereof, the following:

"It is provided that the provisions hereof shall not apply to cities, towns, villages, special school districts, and/or independent school districts, unless and until, the governing body of any such city, town, village, or the board of trustees of any such school district, finds that unusual or excessive default in the payment of ad valorem and poll taxes has occurred, and that an extension of time for the payment of such ad valorem and poll taxes will promote and accelerate the collection thereof; whereupon, such governing body shall adopt an ordinance or in case of special school district, or independent school district, the board of trustees shall adopt a resolution evidencing such findings, and upon the recording of such findings of fact, the provisions of this act shall be in full force and effect as to any such city, town, village, special school district and/or independent school district."

Mr. Anderson moved that Section 8 of Rule XIV of the House Rules be suspended at this time for the purpose of reconsidering the vote by which the previous question was ordered on the pending amendment to Senate bill No. 44 and on the passage of the bill to third reading.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—78.

Adams of Harris.	Brice.
Adamson.	Bryant.
Adkins.	Burns of Walker.
Akin.	Carpenter.
Albritton.	Cox of Lamar.
Anderson.	Cox of Limestone.
Barron.	Cunningham.
Bedford.	Dale.
Bounds.	Daniel.
Bradley.	Dodd.

Donnell.
Dwyer.
Elliott.
Engelhard.
Farmer.
Farrar.
Forbes.
Ford.
Fuchs.
Gilbert.
Giles.
Greathouse.
Hanson.
Hardy.
Hefley.
Herzik.
Hill.
Hines.
Holland.
Hoskins.
Jackson.
Johnson
of Dallam.
Justiss.
Kayton.
Keller.
Laird.
Lasseter.
Lee.
Leonard.

Lilley.
McGregor.
Magee.
Mathis.
Moore.
Murphy.
Nicholson.
O'Quinn.
Patterson.
Pope.
Ray.
Richardson.
Rogers.
Sanders.
Scott.
Smith of Bastrop.
Sparkman.
Stevenson.
Steward.
Strong.
Terrell
of Cherokee.
Towery.
Turner.
Van Zandt.
Wagstaff.
Walker.
Weinert.
West of Coryell.
West of Cameron.

Nays—45.

Adams of Jasper.	Lemens.
Alsup.	Long.
Baker.	McCombs.
Beck.	McGill.
Bond.	Martin.
Burns of McCulloch.	Metcalfe.
Caven.	Moffett.
Coombes.	Morse.
Davis.	Munson.
Dowell.	Petsch.
Ferguson.	Ramsey.
Finn.	Ratliff.
Fisher.	Rountree.
Goodman.	Satterwhite.
Graves.	Savage.
Harman.	Smith of Wood.
Howsley.	Stephens.
Hughes.	Sullivant.
Johnson	Tarwater.
of Dimmit.	Vaughan.
Jones of Shelby.	Warwick.
Jones of Atascosa.	Wyatt.
Kennedy.	Young.

Absent.

Brooks.	Holloway.
Coltrin.	Hubbard.
Dunlap.	Mehl.
Duvall.	Olsen.
Grogan.	Shelton.
Harrison	Sherrill.
of El Paso.	Terrell
Harrison	of Val Verde.
of Waller.	Westbrook.

Absent—Excused.

Boyd.	McDougald.
Claunch.	Reader.
Holder.	Wiggs.
Lockhart.	

Mr. Greathouse raised a point of order on further consideration of the amendment by Mr. Burns of McCulloch, on the ground that the amendment violates certain provisions of the Constitution.

The Speaker declined to rule on the point of order, stating that the House could, by its vote on the amendment, determine its constitutionality.

Question recurring on the amendment by Mr. Burns of McCulloch, it was lost.

Senate bill No. 44 was then passed to third reading.

Mr. Anderson moved to reconsider the vote by which the bill was passed to third reading.

Mr. Metcalfe moved to table the motion to reconsider, and the motion to table was lost.

Question then recurring on the motion to reconsider the vote, it prevailed by the following vote:

Yeas—68.

Adams of Harris.	Harrison
Adamson.	of Waller.
Adkins.	Hefley.
Albritton.	Herzik.
Anderson.	Hill.
Barron.	Holland.
Bedford.	Hoskins.
Bradley.	Jackson.
Bryant.	Johnson
Burns of Walker.	of Dallam.
Carpenter.	Justiss.
Caven.	Keller.
Cox of Lamar.	Laird.
Cox of Limestone.	Lee.
Cunningham.	Leonard.
Dale.	Lilley.
Daniel.	Long.
Dodd.	McGregor.
Donnell.	Martin.
Dwyer.	Mathis.
Elliott.	Nicholson.
Engelhard.	Olsen.
Farmer.	O'Quinn.
Farrar.	Patterson.
Ferguson.	Ramsey.
Forbes.	Ray.
Fuchs.	Sanders.
Gilbert.	Sparkman.
Giles.	Stevenson.
Greathouse.	Terrell
Hanson.	of Cherokee.
Hardy.	Towery.

Turner.	West of Coryell.
Wagstaff.	West of Cameron.
Walker.	Wyatt.
Weinert.	

Nays—48.

Adams of Jasper.	Magee.
Akin.	Metcalfe.
Alsup.	Moffett.
Baker.	Morse.
Beck.	Munson.
Brice.	Petsch.
Burns	Ratliff.
of McCulloch.	Richardson.
Coombes.	Rogers.
Davis.	Rountree.
Dowell.	Satterwhite.
Finn.	Savage.
Fisher.	Scott.
Ford.	Shelton.
Goodman.	Smith of Bastrop.
Graves.	Smith of Wood.
Harman.	Stephens.
Hughes.	Steward.
Johnson	Strong.
of Dimmit.	Sullivant.
Jones of Atascosa.	Tarwater.
Kennedy.	Van Zandt.
Lemens.	Vaughan.
McCombs.	Warwick.
McGill.	Young.

Absent.

Bond.	Jones of Shelby.
Brooks.	Kayton.
Coltrin.	Lasseter.
Dunlap.	Mehl.
Duvall.	Moore.
Grogan.	Murphy.
Harrison	Pope.
of El Paso.	Sherrill.
Hines.	Terrell
Holloway.	of Val Verde.
Howsley.	Westbrook.
Hubbard.	

Absent—Excused.

Bounds.	Lockhart.
Boyd.	McDougald.
Claunch.	Reader.
Holder.	Wiggs.

Mr. Anderson moved to reconsider the vote by which the amendment by Mr. Bradley was lost.

Mr. Morse moved to table the motion to reconsider, and the motion to table was lost.

Question recurring on the motion to reconsider the vote by which the amendment was lost, it prevailed.

Question: Shall the amendment by Mr. Bradley be adopted?

(Mr. Keller in the chair.)

Mr. Petsch moved the previous question on the pending amendment, the amendment on the Speaker's desk, and the passage of the bill to third reading, and the main question was ordered.

Question recurring on the amendment by Mr. Bradley, yeas and nays were demanded.

The roll of the House was called, and the vote announced as follows: Yeas—61; nays—59.

Mr. Morse called for a verification of the vote.

The roll of the yeas and nays was then called, and the verified vote announced as follows:

Yeas—60.

Adams of Harris.	Holland.
Adamson.	Holloway.
Adkins.	Justiss.
Albritton.	Kayton.
Anderson.	Laird.
Bond.	Lee.
Bounds.	Leonard.
Bradley.	McGregor.
Bryant.	Magee.
Burns of Walker.	Martin.
Carpenter.	Mathis.
Coltrin.	Moffett.
Cox of Lamar.	Moore.
Cox of Limestone.	Murphy.
Cunningham.	Nicholson.
Daniel.	Patterson.
Dodd.	Petsch.
Donnell.	Pope.
Dwyer.	Ramsey.
Elliott.	Richardson.
Farmer.	Sanders.
Farrar.	Scott.
Ferguson.	Sherrill.
Forbes.	Sparkman.
Gilbert.	Stevenson.
Greathouse.	Terrell
Grogan.	of Cherokee.
Hardy.	Towery.
Harrison	Turner.
of Waller.	Weinert.
Hines.	Westbrook.

Nays—59.

Adams of Jasper.	Dunlap.
Akin.	Finn.
Alsup.	Fisher.
Baker.	Ford.
Barron.	Fuchs.
Beck.	Goodman.
Burns	Graves.
of McCulloch.	Harman.
Caven.	Hill.
Coombes.	Howsley.
Davis.	Hubbard.
Dowell.	Hughes.

Jackson.	Satterwhite.
Johnson	Savage.
of Dallam.	Shelton.
Johnson	Smith of Bastrop.
of Dimmit.	Smith of Wood.
Jones of Shelby.	Stephens.
Jones of Atascosa.	Steward.
Kennedy.	Strong.
Lasseter.	Sullivant.
Lemens.	Tarwater.
McCombs.	Van Zandt.
McGill.	Vaughan.
Metcalfe.	Wagstaff.
Morse.	Walker.
Munson.	Warwick.
O'Quinn.	West of Coryell.
Ratliff.	West of Cameron.
Ray.	Wyatt.
Rountree.	Young.

Present—Not Voting.

Brice.

Absent.

Bedford.	Herzik.
Brooks.	Hoskins.
Dale.	Keller.
Duvall.	Lilley.
Englehard.	Long.
Giles.	Mehl.
Hanson.	Olsen.
Harrison	Rogers.
of El Paso.	Terrell
Hefley.	of Val Verde.

Absent—Excused.

Boyd.	McDougald.
Claunch.	Reader.
Holder.	Wiggs.
Lockhart.	

The Speaker announced that the amendment was adopted.

REASON FOR VOTE.

My reason for voting "nay" on Bradley amendment to Senate bill No. 44: Because I believe said bill unconstitutional and would cause litigation as to validity from cities.

VAN ZANDT.

Mr. Moffett offered the following amendment to the bill:

Amend Senate bill No. 44, by inserting the following sentence at the end of Section 1:

"Any officer, who is entitled to any fees on costs on any taxes upon which penalty and interest is hereby remitted, is authorized to remit any or all of said fees or costs, which may have accrued to him."

MOFFETT,
FORD.

The amendment was lost.

Mr. Nicholson offered the following amendment to the bill:

Amend Senate bill No. 44, Section 1, line 37, as follows, insert the following after the figures "1932": "and further provided that any property taxes due for the current year are first paid."

The amendment was lost.

By unanimous consent of the House the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

Senate bill No. 44 was then passed to third reading.

(Speaker in the chair.)

SENATE BILL NO. 44 ON THIRD READING.

Mr. Metcalfe moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate bill No. 44 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—121.

Adams of Harris.	Engelhard.
Adams of Jasper.	Farmer.
Adamson.	Farrar.
Adkins.	Ferguson.
Akin.	Finn.
Albritton.	Fisher.
Alsup.	Forbes.
Anderson.	Ford.
Baker.	Fuchs.
Barron.	Gilbert.
Bedford.	Giles.
Bond.	Goodman.
Bounds.	Graves.
Bradley.	Greathouse.
Brice.	Grogan.
Brooks.	Hanson.
Bryant.	Hardy.
Burns of Walker.	Harman.
Burns	Hefley.
of McCulloch.	Herzik.
Carpenter.	Hill.
Caven.	Hines.
Cox of Lamar.	Holland.
Cox of Limestone.	Holloway.
Cunningham.	Hubbard.
Daniel.	Jackson.
Davis.	Johnson
Dodd.	of Dallam.
Donnell.	Johnson
Dowell.	of Dimmit.
Dunlap.	Jones of Shelby.
Dwyer.	Jones of Atascosa.
Elliott.	Justiss.

Kayton.	Rogers.
Keller.	Rountree.
Kennedy.	Satterwhite.
Laird.	Savage.
Lasseter.	Scott.
Lee.	Shelton.
Lemens.	Sherrill.
Leonard.	Smith of Bastrop.
Lilley.	Smith of Wood.
Long.	Sparkman.
McGill.	Stephens.
McGregor.	Stevenson.
Magee.	Steward.
Martin.	Strong.
Mathis.	Sullivant.
Metcalfe.	Tarwater.
Moffett.	Terrell
Moore.	of Cherokee.
Munson.	Towery.
Murphy.	Turner.
Nicholson.	Van Zandt.
Olsen.	Vaughan.
O'Quinn.	Wagstaff.
Patterson.	Walker.
Petsch.	Weinert.
Pope.	West of Coryell.
Ramsey.	West of Cameron.
Ratliff.	Wyatt.
Ray.	Young.
Richardson.	

Nays—9.

Beck.	Hughes.
Coombes.	McCombs.
Harrison	Morse.
of Waller.	Sanders.
Howsley.	Warwick.

Absent.

Coltrin.	Hoskins.
Dale.	Mehl.
Duvall.	Terrell
Harrison	of Val Verde.
of El Paso.	Westbrook.

Absent—Excused.

Boyd.	McDougald.
Claunch.	Reader.
Holder.	Wiggs.
Lockhart.	

The Speaker then laid Senate bill No. 44 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—118.

Adams of Harris.	Anderson.
Adams of Jasper.	Baker.
Adamson.	Barron.
Adkins.	Bedford.
Akin.	Bond.
Albritton.	Bounds.
Alsup.	Bradley.

Brice.	Kennedy.
Brooks.	Laird.
Bryant.	Lee.
Burns of Walker.	Lemens.
Carpenter.	Leonard.
Caven.	Lilley.
Coltrin.	Long.
Cox of Lamar.	McGregor.
Cox of Limestone.	Magee.
Cunningham.	Martin.
Daniel.	Mathis.
Davis.	Metcalfe.
Dodd.	Moffett.
Donnell.	Moore.
Dowell.	Munson.
Dunlap.	Murphy.
Duvall.	Nicholson.
Dwyer.	Olsen.
Elliott.	O'Quinn.
Englehard.	Patterson.
Farmer.	Petsch.
Farrar.	Pope.
Ferguson.	Ramsey.
Finn.	Ratliff.
Fisher.	Ray.
Forbes.	Richardson.
Ford.	Rogers.
Fuchs.	Rountree.
Gilbert.	Satterwhite.
Giles.	Savage.
Goodman.	Scott.
Graves.	Shelton.
Greathouse.	Sherrill.
Grogan.	Smith of Bastrop.
Hanson.	Smith of Wood.
Hardy.	Sparkman.
Harman.	Stephens.
Hefley.	Steward.
Herzik.	Strong.
Hill.	Sullivant.
Hines.	Tarwater.
Holland.	Terrell
Holloway.	of Cherokee.
Howsley.	Towery.
Hubbard.	Turner.
Johnson	Van Zandt.
of Dallam.	Vaughan.
Johnson	Wagstaff.
of Dimmit.	Walker.
Jones of Shelby.	Weinert.
Jones of Atascosa.	West of Cameron.
Justiss.	Westbrook.
Kayton.	Young.
Keller.	

Nays—15.

Beck.	McCombs.
Burns	McGill.
of McCulloch.	Morse.
Coombes.	Sanders.
Harrison	Stevenson.
of Waller.	Warwick.
Hughes.	West of Coryell.
Jackson.	Wyatt.
Lasseter.	

Absent.

Dale.	Mehl.
Harrison	Terrell
of El Paso.	of Val Verde.
Hoskins.	

Absent—Excused.

Boyd.	McDougald.
Claunch.	Reader.
Holder.	Wiggs.
Lockhart.	

HOUSE BILL NO. 80 ON SECOND READING.

(By Unanimous Consent.)

On motion of Mrs. Moore, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 80, A bill to be entitled "An Act regulating the taking of fish and shrimp in the tidal waters of this State, providing that it shall be lawful to use seines, nets or shrimp trawls in the open waters of East Galveston Bay in the counties of Galveston and Chambers except during the period beginning May fifteenth and ending August fifteenth of each year; repealing all laws in conflict herewith, and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Sanders offered the following amendments to the bill:

(1)

Amend House bill No. 80, by adding three new sections, Nos. 2, 3, and 4, to read as follows:

"Sec. 2. It shall be unlawful to have in possession any seine, strike net, gill net, trammel net or shrimp trawl in or on any of the tidal waters of this State where the use of said seine, strike net, gill net, trammel net or shrimp trawl is prohibited from being used in taking or catching fish and/or shrimp, unless such seine, strike net, gill net, trammel net or shrimp trawl is on board a vessel when such vessel is at port or in a channel while en route to or from the Gulf of Mexico.

"Sec. 3. When any officer of this State sees any seine, strike net, gill net, trammel net or shrimp trawl in

or on any of the tidal waters of this State where the use of such seine, strike net, gill net, trammel net or shrimp trawl is prohibited from being used for the purpose of taking fish and/or shrimp, and has reason to believe and does believe that the same is being used or possessed in violation of the provisions of this act, it shall be his duty to arrest the party using or possessing said seine, strike net, gill net, trammel net or shrimp trawl and, without warrant, shall seize such seine, strike net, gill net, trammel net or shrimp trawl as evidence. It shall be the duty of such officer to deliver such seine, strike net, gill net, trammel net or shrimp trawl to the county judge or justice of the peace in the county in which it was seized, where it shall be held as evidence until after the trial. If the defendant is found guilty of possessing or using such seine, strike net, gill net, trammel net or shrimp trawl unlawfully, the court shall enter an order directing the immediate destruction of such seine, strike net, gill net, trammel net or shrimp trawl by the sheriff or constable of the county where the case was tried, and the sheriff or constable of the county shall immediately destroy such seine, strike net, gill net, trammel net or shrimp trawl, and make a sworn report to said county judge or justice of the peace showing how, when and where said seine, strike net, gill net, trammel net or shrimp trawl was destroyed. When such device is found by any officer of this State in or on any of the tidal waters of this State without any one in possession where its use is prohibited, it shall be seized by such officer, without warrant, and delivered to the county judge or justice of the peace in the county in which it was found. Said officer shall make affidavit that such seine, strike net, gill net, trammel net or shrimp trawl was found in the tidal waters of this State at a point where its use was prohibited, which said affidavit shall describe said seine, strike net, gill net, trammel net or shrimp trawl and the court shall direct the sheriff or any constable of the county to post a copy of said affidavit in the courthouse of the county in which said seine, strike net, gill net, trammel net or shrimp trawl was seized, and said

officer shall make his return to the court showing when and where said notice was posted. Thirty days after such notice is posted, the court, either in term time or in vacation, shall enter an order directing the immediate destruction of such seine, strike net, gill net, trammel net or shrimp trawl by the sheriff or any constable in the county, and said officer executing said order shall, under oath, make his return to said court showing how, when and where such seine, strike net, gill net, trammel net or shrimp trawl was destroyed.

"Sec. 4. Any person violating any provision of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than twenty-five dollars (\$25) and not more than two hundred dollars (\$200), and his fisherman's license or dealer's license, or both, shall be automatically cancelled and he shall not be entitled to receive another fisherman's license or dealer's license for one year from the time of such conviction."

(2)

Amend House bill No. 80, line 12 of the printed bill, by striking out of said line 12 the following: "seines, nets," and insert in lieu thereof the following: "strike nets, gill nets, trammel nets," and by adding to the end of Section 1 the following: "It shall be unlawful for any person to use a strike net, gill net, trammel net or shrimp trawl contrary to the provisions of Chapter No. 119, page No. 269, Acts of the Regular Session of the Forty-first Legislature."

The amendments were severally adopted.

By unanimous consent of the House the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

House bill No. 80 was then passed to engrossment.

HOUSE BILL NO. 80 ON THIRD READING.

Mrs. Moore moved that the constitutional rule requiring bills to be read on three several days be suspended, and that House bill No. 80 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—106.

Adams of Harris.	Johnson
Adams of Jasper.	of Dimmit.
Adamson.	Jones of Shelby.
Adkins.	Justiss.
Albritton.	Kayton.
Alsup.	Keller.
Anderson.	Kennedy.
Baker.	Laird.
Bedford.	Lasseter.
Bounds.	Lee.
Bradley.	Lemens.
Bryant.	Leonard.
Burns of Walker.	Lilley.
Burns	Long.
of McCulloch.	McGill.
Caven.	Magee.
Coombes.	Martin.
Cox of Limestone.	Moffett.
Davis.	Moore.
Dodd.	Munson.
Donnell.	Murphy.
Dowell.	Nicholson.
Dunlap.	Olsen.
Duvall.	O'Quinn.
Elliott.	Patterson.
Engelhard.	Petsch.
Farmer.	Pope.
Farrar.	Ratliff.
Ferguson.	Ray.
Finn.	Richardson.
Fisher.	Rogers.
Forbes.	Sanders.
Ford.	Savage.
Fuchs.	Shelton.
Gilbert.	Sherrill.
Goodman.	Smith of Bastrop.
Graves.	Smith of Wood.
Greathouse.	Stephens.
Grogan.	Stevenson.
Hanson.	Steward.
Hardy.	Strong.
Harman.	Sullivant.
Harrison	Tarwater.
of Waller.	Towery.
Hefley.	Turner.
Herzik.	Van Zandt.
Hill.	Vaughan.
Hines.	Wagstaff.
Holland.	Walker.
Holloway.	Warwick.
Hubbard.	Weinert.
Hughes.	West of Coryell.
Jackson.	West of Cameron.
Johnson	Wyatt.
of Dallam.	Young.

Nays—3.

Daniel.	Morse.
McCombs.	

Absent.

Akin.	Bond.
Barron.	Brice.
Beck.	Brooks.

Carpenter.	Mathis.
Coltrin.	Mehl.
Cox of Lamar.	Metcalfe.
Cunningham.	Ramsey.
Dale.	Rountree.
Dwyer.	Satterwhite.
Giles.	Scott.
Harrison	Sparkman.
of El Paso.	Terrell
Hoskins.	of Cherokee.
Howsley.	Terrell
Jones of Atascosa.	of Val Verde.
McGregor.	Westbrook.

Absent—Excused.

Boyd.	McDougald.
Claunch.	Reader.
Holder.	Wiggs.
Lockhart.	

The Speaker then laid House bill No. 80 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—106.

Adams of Harris.	Gilbert.
Adams of Jasper.	Giles.
Adamson.	Goodman.
Adkins.	Graves.
Akin.	Greathouse.
Albritton.	Grogan.
Alsup.	Hanson.
Anderson.	Hardy.
Baker.	Harman.
Beck.	Hefley.
Bedford.	Herzik.
Bond.	Hill.
Bounds.	Hines.
Brooks.	Holland.
Bryant.	Holloway.
Burns of Walker.	Hubbard.
Burns	Hughes.
of McCulloch.	Jackson.
Carpenter.	Johnson
Caven.	of Dallam.
Coombes.	Johnson
Cox of Lamar.	of Dimmit.
Cox of Limestone.	Jones of Shelby.
Davis.	Justiss.
Dodd.	Kayton.
Donnell.	Keller.
Dowell.	Kennedy.
Duvall.	Laird.
Elliott.	Lasseter.
Engelhard.	Lee.
Farmer.	Lemens.
Farrar.	Leonard.
Ferguson.	Lilley.
Finn.	Long.
Fisher.	McGill.
Forbes.	McGregor.
Ford.	Magee.
Fuchs.	Metcalfe.

Moffett.	Stevenson.
Moore.	Steward.
Murphy.	Strong.
Nicholson.	Sullivant.
O'Quinn.	Tarwater.
Patterson.	Towery.
Petsch.	Turner.
Ratliff.	Van Zandt.
Ray.	Vaughan.
Richardson.	Wagstaff.
Rogers.	Walker.
Sanders.	Warwick.
Savage.	Weinert.
Shelton.	West of Coryell.
Sherrill.	West of Cameron.
Smith of Bastrop.	Wyatt.
Smith of Wood.	

Nays—5.

Daniel.	Munson.
McCombs.	Scott.
Morse.	

Present—Not Voting.

Harrison	Jones of Atascosa.
of Waller.	Stephens.

Absent.

Barron.	Mehl.
Bradley.	Olsen.
Brice.	Pope.
Coltrin.	Ramsey.
Cunningham.	Rountree.
Dale.	Satterwhite.
Dunlap.	Sparkman.
Dwyer.	Terrell
Harrison	of Cherokee.
of El Paso.	Terrell
Hoskins.	of Val Verde.
Howsley.	Westbrook.
Martin.	Young.
Mathis.	

Absent—Excused.

Boyd.	McDougald.
Claunch.	Reader.
Holder.	Wiggs.
Lockhart.	

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, September 16, 1932.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has refused to concur in House amendments to Senate concurrent resolution No. 5, and requests the appointment of a conference committee. The following have been appointed on the part of the Senate:

Senators Woodruff, Oneal, Hardin, Gainer and Small.

The Senate has passed

H. B. No. 61, A bill to be entitled "An Act amending Article 2676 of the Revised Civil Statutes of Texas, 1925, relative to the election of county school trustees by providing that one of said trustees shall be elected from the county at large by the qualified voters of the common and consolidated independent school districts of the county; providing that the terms of this act shall apply to all counties having not less than ten thousand two hundred and sixty-two (10,262) and not more than ten thousand three hundred and forty-nine (10,349) inhabitants by the last preceding Federal census, and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

BILLS AND RESOLUTIONS
SIGNED BY THE
SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills and resolutions:

H. B. No. 48, "An Act providing for the execution of surety company bonds by county tax collectors in special cases, providing for the payment of premium on those bonds in certain counties; and providing for weekly remittances of county and State taxes by county tax collectors, and special reports by tax collectors and county depositories to be furnished upon the request of the Comptroller or the commissioners court as to funds in their hands and special remittances thereof to safeguard funds in their hands and protect their bondsmen, providing penalties, and declaring an emergency."

H. B. No. 55, "An Act authorizing any county, political subdivision or defined district thereof to hold an election for the purpose of the cancellation and revocation of any unsold road bonds, and providing that such election shall be ordered and held in the same form and manner provided for in voting such road bonds; providing for the cancellation and destruction of such

unsold road bonds retired by reason of such election, and the adjustment of existing tax levies and refund of any taxes levied and collected in anticipation of the sale of such road bonds, etc."

H. C. R. No. 16, Recalling House bill No. 22 from the Governor.

S. C. R. No. 9, Relating to the operation of cotton exchanges.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, September 16, 1932.
Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the conference committee report on House bill No. 2 by the following vote: Yeas—29; nays—0.

Respectfully,

BOB BARKER,
Secretary of the Senate.

CONFERENCE COMMITTEE ON SENATE CONCURRENT RESOLUTION NO. 5 APPOINTED.

The Speaker announced the appointment of the following conference committee on Senate concurrent resolution No. 5:

Messrs. Satterwhite, Westbrook, Howsley, Olsen and Sparkman.

COMMITTEE TO APPRISE MRS. CLARA DRISCOLL SEVIER OF AN INVITATION TO ADDRESS THE HOUSE.

The Speaker announced the appointment of the following committee to notify Mrs. Clara Driscoll Sevier and Mr. Roy I. Miller of the adoption of a resolution by the House of Representatives extending to Mrs. Sevier and Mr. Miller an invitation to address the House:

Mrs. Moore, Mrs. Hughes, Mr. Pope and Mr. Anderson.

ADDRESSES BY MRS. CLARA DRISCOLL SEVIER AND THE HON. ROY I. MILLER.

In accordance with a resolution heretofore adopted inviting Mrs. Clara Driscoll Sevier, National Democratic Committeewoman, and Mr.

Roy I. Miller, campaign director of the National Democratic campaign, to address the Legislature, the Honorable Senate at 3:30 o'clock p. m. appeared at the bar of the House and, being admitted, occupied seats along the aisle.

Mrs. Clara Driscoll Sevier and Mr. Roy I. Miller, accompanied by Lieutenant Governor Edgar Witt, and Senators Parr, Hornsby and Neal, committee on the part of the Senate, and Representatives Moore, Hughes, Pope and Anderson, committee on the part of the House, appeared at the bar of the House and, being admitted, occupied seats on the Speaker's stand.

Lieutenant Governor Edgar Witt, being invited, occupied a seat on the right of the Speaker.

Speaker Minor presented Senator Parr who, in turn, presented Mrs. Clara Driscoll Sevier.

Mrs. Sevier then addressed the assemblage.

Lieutenant Governor Witt presented Senator Margie Neal, co-director of the National Democratic campaign.

Senator Margie Neal introduced Hon. Roy I. Miller.

Mr. Miller then addressed the assemblage.

HOUSE BILL NO. 84 ON SECOND READING.

The Speaker laid before the House, as a special order, on its second reading and passage to engrossment,

H. B. No. 84, A bill to be entitled "An Act preventing punishment for violation of illegal injunctions."

The bill was read second time.

RECESS.

Mr. McCombs moved that the House recess to 9:30 o'clock a. m. tomorrow.

Mr. Hardy moved that the House adjourn until 9:30 o'clock a. m. tomorrow.

Question first recurring on the motion by Mr. Hardy, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—21.

Adams of Harris.	Hardy.
Bryant.	Harman.
Burns of Walker.	Johnson
Burns	of Dallam.
of McCulloch.	Jones of Atascosa.
Daniel.	Laird.
Davis.	Lasseter.
Dodd.	Stevenson.
Elliott.	Vaughan.
Farmer.	Wagstaff.
Fisher.	Weinert.
Fuchs.	

Nays—93.

Adams of Jasper.	Kayton.
Adamson.	Keller.
Adkins.	Kennedy.
Akin.	Lee.
Albritton.	Lemens.
Alsup.	Leonard.
Anderson.	Lilley.
Baker.	Long.
Beck.	McCombs.
Bedford.	McGill.
Bounds.	Magee.
Brice.	Mathis.
Brooks.	Metcalfe.
Carpenter.	Moffett.
Caven.	Moore.
Coltrin.	Morse.
Coombes.	Munson.
Cox of Lamar.	Murphy.
Cox of Limestone.	O'Quinn.
Cunningham.	Patterson.
Donnell.	Petsch.
Dowell.	Ratliff.
Dunlap.	Ray.
Duvall.	Rogers.
Engelhard.	Rountree.
Ferguson.	Sanders.
Finn.	Scott.
Forbes.	Shelton.
Ford.	Sherrill.
Gilbert.	Smith of Bastrop.
Giles.	Smith of Wood.
Goodman.	Stephens.
Graves.	Steward.
Greathouse.	Strong.
Grogan.	Sullivant.
Hanson.	Tarwater.
Harrison	Terrell
of Waller.	of Cherokee.
Hefley.	Towery.
Hill.	Turner.
Holland.	Van Zandt.
Howsley.	Walker.
Hubbard.	Warwick.
Hughes.	West of Coryell.
Jackson.	West of Cameron.
Johnson	Westbrook.
of Dimmit.	Wyatt.
Justiss.	Young.

Present—Not Voting.

Farrar.

Absent.

Barron.	McGregor.
Bond.	Martin.
Bradley.	Mehl.
Dale.	Nicholson.
Dwyer.	Olsen.
Harrison	Pope.
of El Paso.	Ramsey.
Herzik.	Richardson.
Hines.	Satterwhite.
Holloway.	Savage.
Hoskins.	Sparkman.
Jones of Shelby.	Terrell of Val Verde.

Absent—Excused.

Boyd.	McDougald.
Claunch.	Reader.
Holder.	Wiggs.
Lockhart.	

Question next recurring on the motion by Mr. McCombs, it prevailed, and the House, accordingly, at 5:35 o'clock p. m., took recess to 9:30 o'clock a. m. tomorrow.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following committees have today filed favorable reports on bills as follows:

Revenue and Taxation: House bill No. 100 and Senate bill No. 42.

Criminal Jurisprudence: Senate bill No. 48.

REPORT OF THE COMMITTEE ON ENROLLED BILLS.

Committee Room,

Austin, Texas, September 15, 1932.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 51, "An Act amending Article 2688 of the Revised Civil Statutes of Texas, 1925, as amended by the Regular Session of the Forty-second Legislature, House bill No. 904, Chapter 212, page 426, Special Laws, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

COX of Lamar, Chairman.

Committee Room,
Austin, Texas, September 15, 1932.
Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 60, "An Act to repeal
Chapter 120, page 232, of the Special
Laws of the Regular Session of the
Forty-second Legislature, being a
Special Road Law for Wood county,
and declaring an emergency,"

Have carefully compared same and
find it correctly enrolled.

COX of Lamar, Chairman.

Committee Room,
Austin, Texas, September 16, 1932.
Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. C. R. No. 16, Recalling House
bill No. 22 from the Governor.

Whereas, House bill No. 22 has
been passed by both houses and is
now upon the Governor's desk; and

Whereas, It has been found that
Kaufman county was inadvertently
left in the bill; therefore, be it

Resolved by the House of Repre-
sentatives, the Senate concurring,
That the Governor be requested to re-
turn said bill to the House for cor-
rection; and be it further

Resolved by the House of Repre-
sentatives, the Senate concurring,
That the Enrolling Clerk of the House
be instructed to remove Kaufman
county from the provisions of said
bill, and that the bill be re-enrolled,

Have carefully compared same and
find it correctly enrolled.

COX of Lamar, Chairman.

Committee Room,
Austin, Texas, September 16, 1932.
Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 48, "An Act providing
for the amount of bond required to
be given by county tax collectors pro-
viding for the payment of premium
on bonds for special district taxes;
and providing for remittances of
county and State taxes by county tax
collectors, and special reports by tax
collectors and county depositories to
be furnished upon the request of the
Comptroller or the commissioners'

court as to funds in their hands and
special remittances thereof to safe-
guard funds in their hands and pro-
tect their bondsmen, providing pen-
alties; providing this act shall be cu-
mulative of all other laws upon the
same subject; and declaring an emer-
gency,"

Have carefully compared same and
find it correctly enrolled.

COX of Lamar, Chairman.

Committee Room,
Austin, Texas, September 16, 1932.
Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 55, "An Act authorizing
any county, political subdivision or
defined district thereof to hold an
election for the purpose of the can-
cillation and revocation of any un-
sold road bonds at the time of pas-
sage of this act, and providing that
such election shall be ordered and
held in the same form and manner
provided for in voting such road
bonds; providing for the cancellation
and destruction of such unsold road
bonds retired by reason of such elec-
tion, and the adjustment of existing
tax levies and refund of any taxes
levied and collected in anticipation
of the sale of such road bonds; pro-
vided that nothing in this act shall be
construed as affecting or invalidating
any bond election held, or bonds pre-
viously issued in any county, political
subdivision, or defined district there-
of, for the purpose of constructing
roads therein; providing that the ex-
pense of holding such election shall be
paid out of the general fund of the
county; and declaring an emergency,"

Have carefully compared same and
find it correctly enrolled.

COX of Lamar, Chairman.

TENTH DAY.

(Continued.)

(Saturday, September 17, 1932.)

The House met at 9:30 o'clock a.
m., and was called to order by
Speaker Minor.

BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the pres-
ence of the House, after giving due